

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HELEN V. SURFACE, as Personal
Representative of the Estate of JANYCE
ELAINE BROWN, Deceased; and MARTIN
TYCKOSKI, Conservator of the Estates of
A.R.G.B., a Minor, and H.E.B., a Minor,

Case No. 04-73411

Honorable John Corbett O'Meara

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

ORDER DENYING PLAINTIFFS' JULY 25, 2008 MOTION TO ALTER JUDGMENT

This matter came before the court on Plaintiffs' July 25, 2008 motion to alter judgment following this court's July 15, 2008 order granting Defendant's motion for summary judgment. No response was ordered and no oral argument was heard. L.R. 7.1(g)(2)(E.D. Mich. Dec. 1, 2005).

Plaintiffs assert that the court "committed a legal error, resulting in a manifest injustice" in granting Defendant's motion for summary judgment; therefore, the court will consider it a motion for reconsideration.

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

Local Rule 7.1(g)(3).

In this case Plaintiffs' motion for reconsideration merely presents the same issues ruled upon by the court and fails to demonstrate a palpable defect by which the court and the parties have been misled.

ORDER

It is hereby **ORDERED** that Plaintiffs' July 25, 2008 motion to alter judgment is **DENIED**.

s/John Corbett O'Meara
United States District Judge

Date: September 19, 2008

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, September 19, 2008, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager